

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
APRIL 4, 2022 PUBLIC HEARING**

Case Number:	Docket #22-30
Applicant:	Adam DeHart for Patterson Street Partners, LLC
Location:	The subject property is located at 320 N Patterson Street, Lebanon, Indiana 46052.
Acreage and Zoning:	The subject property is zoned General Industrial (ID) and is comprised of 5.04 acres.
Property History:	<p style="text-align:center">February 7, 2022 Board of Zoning Appeals Approval</p> <p>Development Standards Variance Variance Request #1 – Building Front Setback – UDO Section 4.16.D Variance approved to permit relief from the front setback requirement to allow the building to be setback 25 feet from the east property line.</p> <p>Variance Request #2 – Building Side Setback – UDO Section 4.16.D Variance approved to permit relief from the side setback requirement to allow the building to be setback 47 feet from the south property line.</p> <p>Variance Request #3 – Buffer Setback – UDO Section 7.8.O Variance approved to permit relief from the buffer width requirement to allow a 19 foot buffer at one location along the south property line.</p> <p>Lebanon Planning Staff Determination: Patterson Street Partners has gone through a significant effort to demolish an industrial building and remediate all environmental issues on the subject site. Now that the remediation is nearing completion, the applicant is proposing to redevelop the site as a new speculative industrial building. The applicant has submitted for Development Plan approval from the Plan Commission and one additional variance was discovered after a thorough review of the complete site and landscape plans.</p>
Variance Request(s):	<p style="text-align:center">Applicant Request: Development Standard Variance Request</p> <p>Variance Request #1 – Parking Area Curbing UDO Section 7.5.C.3 The UDO requires that all parking areas for non-residential uses shall be completely curbed. The applicant is requesting relief from the curb requirement for the truck/trailer parking area to allow for potential future pavement additions that will be dictated by the eventual tenant.</p>

<p>Variance Evaluation:</p>	<p>Evaluation of Variance(s)</p> <p>Statutory Authority of BZA for Reviewing Variances.</p> <p>Pursuant to state statute and the Lebanon Unified Development Ordinance, the Board of Zoning Appeals must find that each of the following conditions is satisfied in order to grant a variance from the development standards in the Ordinance. Per Indiana Code (IC) 36-7-4-918.5; No variance in the application of the provisions of the ordinance shall be made by the Board relating to buildings, land or premises now existing or to be constructed, unless after a public hearing, the Board shall find, in writing that each of development standard variances listed above has been reviewed based on the following (3) statutory criteria:</p> <p style="text-align: center;">Statutory Criteria</p> <p><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>Criteria-2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantial adverse manner.</i></p> <p><i>Criteria-3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.</i></p>
	<p style="text-align: center;">Staff Evaluation of Development Standard Variances</p> <p><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>Staff Analysis</i></p> <p>The relief from the parking area curb requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The applicant is proposing to sheet drain from this area to adjacent swales and/or detention facilities that empty into the nearby regulated drain, so there will be no drainage issues that would impact neighboring properties.</p> <p><i>Criteria-2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.</i></p> <p><i>Staff Analysis</i></p> <p>The requested variance for relief from the parking area curb requirement will not affect the use and value of the area adjacent to the property in an adverse manner. Curb has been provided for the employee/customer parking area adjacent to the street frontage which is most visible. The elimination of curb for the truck areas is consistent with other similar uses.</p>

Criteria -3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.

Staff Analysis

The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The applicant has proposed future pavement additions to accommodate loading spaces, parking, structures, or outdoor storage areas. The installation of curbs for the phase 1 development would need to be demolished for these future pavement additions.

Staff Recommendation:

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The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking curb requirements of the Unified Development Ordinance.